

ASSEMBLY BILL

No. 2128

Introduced by Assembly Member Achadjian

February 17, 2016

An act to amend Section 3064 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as introduced, Achadjian. Child custody: ex parte orders.

Existing law requires a court to refrain from making an order granting or modifying a custody order on an ex parte basis unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the state.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3064 of the Family Code is amended to
2 read:
3 3064. (a) The court shall refrain from making an order granting
4 or modifying a custody order on an ex parte basis unless there has
5 been a showing of immediate harm to the child or immediate risk
6 that the child will be removed from the State of California.
7 (b) "Immediate harm to the child" includes, but is not limited
8 to, *either of* the following:
9 (1) Having a parent who has committed acts of domestic
10 violence, ~~where~~ *if* the court determines that the acts of domestic

- 1 violence are of recent origin or are a part of a demonstrated and
- 2 continuing pattern of acts of domestic violence.
- 3 (2) Sexual abuse of the child, ~~where~~ *if* the court determines that
- 4 the acts of sexual abuse are of recent origin or are a part of a
- 5 demonstrated and continuing pattern of acts of sexual abuse.